

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MITCHEL R. CALLEY,

Plaintiff,

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CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 3:14-cv-05772 JRC

ORDER ON UNOPPOSED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 7). This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees and Expenses (*see* Dkt. 20). Defendant has no objection to plaintiff's motion (*see* Dkt. 21).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the attorney Declaration and time and expense itemizations (Dkt. 20, Attachments 2, 3), and the relevant record, and with no opposition from defendant, it is hereby ORDERED that EAJA attorney’s

1 fees of \$ 4,510.51 and expenses in the amount of \$28.88, shall be awarded to plaintiff pursuant
2 to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763
3 at ***6-***7 (2010).

4 The Acting Commissioner agrees to contact the Department of Treasury after the Order
5 for EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to
6 any offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
7 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
8 be paid directly to Eitan Kassel Yanich, Esq., either by direct deposit or by check payable to him,
9 based on plaintiff's assignment of these amounts to plaintiff's attorney (see Plaintiff's
10 Declaration Regarding Net Worth and Payment of EAJA Fees, Dkt. 19). If there is an offset, the
11 remainder shall be made payable to plaintiff, based on the practice of the Department of the
12 Treasury (see, e.g., Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be
13 mailed to plaintiff's counsel, Eitan Kassel Yanich, Esq., at Law Offices of Eitan Kassel Yanich,
14 PLLC, 203 Fourth Avenue E., Suite 321, Olympia, WA 98501.

15 Dated this 28th day of October, 2015.

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17 J. Richard Creatura
18 United States Magistrate Judge
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